

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

DR 2000-001082

08/19/2003

HONORABLE MARK W. ARMSTRONG

CLERK OF THE COURT
L. Henderson
Deputy

FILED: 08/22/2003

IN RE THE MARRIAGE OF
LINDA SHRYEN

WILLIAM D BISHOP

AND

KLAUS PETER SHRYEN

JOSEPH SAIENNI

MINUTE ENTRY

This matter was taken under advisement after the hearing held August 6, 2003, on Petitioner's Petition for Order to Show Cause Re: Contempt –And-For Orders Re: Undistributed Assets.

The Court has considered the evidence presented, arguments of counsel, and the entire file of this matter.

The Court agrees with Petitioner that Respondent's three German pension plans may not be divided by QDRO as ordered by Judge Hicks in the Decree of Dissolution of Marriage, filed May 7, 2001. Therefore, the community portions of these assets constitute undistributed community property.

The Court finds that the value of these assets should be reduced to present value if Mr. Underwood determines a reasonable basis for doing so after obtaining further information. Petitioner's share of each plan should be based on the length of time the parties were married while Respondent was employed. Petitioner's share should therefore be calculated as follows: [(Length of Time Parties Were Married While Respondent Employed)/(Length of Marriage) x ½] x Present Value of Plan.

The Court finds that Petitioner's share of the present value of the German pensions should be taken from Respondent's share of his 401K plan.

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Finally, the Court finds that Respondent has failed to cooperate with Richard Underwood, the Court's appointed expert.

IT IS ORDERED that Respondent execute the release(s) prepared by Mr. Underwood and provide it to Mr. Underwood not later than September 5, 2003. Respondent's failure to do so may be considered as contempt.

IT IS FURTHER ORDERED that Mr. Bihn shall have no further involvement in this case, since Respondent has lost confidence in him. Mr. Underwood may consult with Volker Schmidt as a German expert.

IT IS FURTHER ORDERED that the parties shall be equally responsible for Mr. Underwood's fees as previously ordered. They shall also be equally responsible for Mr. Schmidt's future fees if incurred to assist Mr. Underwood at Mr. Underwood's request.

IT IS FURTHER ORDERED that the parties shall file and serve financial affidavits not later than September 5, 2003, so that the Court may consider the Petitioner's request for attorney's fees.

IT IS FURTHER ORDERED that Respondent pay his share of Mr. Underwood's most recent billing not later than September 5, 2003.

Pursuant to A.R.Civ.P.58, final judgment is settled, approved and signed by the court and shall be entered by the clerk.

/s/ MARK W. ARMSTRONG

MARK W. ARMSTRONG

Judge of the Superior Court